

TOWN OF ASHLAND, NEW HAMPSHIRE BUILDING REGULATIONS

ARTICLE 1: APPOINTMENT

It shall be the duty of the Board of Selectmen to appoint an Administrative Officer to enforce the provisions of this Ordinance. The person appointed shall be known as the "Building Inspector".

The Building Inspector shall receive applications and fees for the erection or alteration of buildings as provided in this Ordinance; keep complete records of applications and his action on the applications; promptly survey and inspect all buildings, alterations, or uses proposed; accept and deposit with the Town all fees collected under the Ordinance; issue permits for erection or alteration of all buildings and the use of land if, in his opinion, the proposal complies with the laws of the State, this Ordinance, other Town ordinances and By-Laws; and shall take such action in the enforcement of this Ordinance as may be directed by the Selectmen.

ARTICLE 2: DUTIES OF THE BUILDING INSPECTOR

- 2.1 The Building Inspector shall be the Administrative Officer of this Ordinance. He shall:
 - Receive applications and fees for the erection and/or alteration of buildings
 - Make available applications in duplicate
 - Keep complete records of his action on all applications, along with the duplicates of said applications
 - Issue or deny permits, based on the compliance of the proposed project with this Ordinance, the Zoning Ordinance of the Town of Ashland, and all other town and State Ordinances and regulations
 - Regularly inspect buildings during the process of erection or alteration
 - Bring to the attention of the Board of Selectmen any violations of this Ordinance and take such action in the enforcement of this Ordinance as maybe directed by the Selectmen
 - Accept and deposit with the Town all fees collected by him under this Ordinance
 - Act in cooperation with the fire authorities in any matter in which their duties as prescribed by law may coincide or conflict
 - Examine and, if necessary, order the repair, vacancy, or demolition of unsafe buildings and structures.
- 2.2 If a subdivision of land is involved, the Ashland Planning Board must approve a developer's plan before a permit may be issued.

ARTICLE 3: DUTIES OF APPLICANT

- 3.1 Any person, persons, partnership, trust, or corporation intending to construct or erect a new building or to make structural alterations of an estimated material cost of more than \$800 shall first make application for a permit on forms obtained from the Building Inspector.
 - 3.1a Said application shall be accompanied by a drawing or plan for any proposed building or alteration

- 3.1b Said application shall be accompanied by a signed statement of the intended use of the building upon completion of construction or alteration
- 3.2 The applicant shall display prominently at the site of the construction or alteration a card issued by the Building Inspector evidencing his permit.
- 3.3 The applicant shall make the premises accessible to the Building Inspector and Fire Department Inspectors, at reasonable times, for the performance of their duties. The applicant shall notify the Building Inspector of the start of construction under a building permit at least twenty-four (24) hours in advance, and he shall, if a schedule of inspection is required by the Building Inspector, notify the Building Inspector of the progress of construction at those times specified by the Building Inspector. No electrical or plumbing work shall be covered over unless it has been inspected and approved by the Building Inspector.
- 3.4 The applicant shall not occupy or use the new building or altered space unless the Building Inspector has, after an inspection of the completed work, issued a notice authorizing said occupancy or use.
- 3.5 Permits shall also be obtained from the Building Inspector for all electrical and plumbing work, and for the installation of mobile home, wood burning heating systems, and oil burners prior to the commencement of the work or installation.

ARTICLE 4: APPLICATION FEES (REVISED 2/01)

- 4.1 Each application for a building permit to construct or alter a building or structure shall be accompanied by the following fees:
- | | |
|-------------|----------------------------|
| Residential | \$30 + .06 per square foot |
| Commercial | \$50 + .08 per square foot |
| Industrial | \$75 + .10 per square foot |
- (For the purpose of determining these fees, the square footage shall be square footage of all floors, including basements)
- 4.2 Each application for an electrical or plumbing permit shall be accompanied by the following fees:
- | | |
|-------------|------|
| Residential | \$30 |
| Commercial | \$50 |
| Industrial | \$75 |
- 4.3 Each application for a mobile home permit shall be accompanied by the following fee:
- | | |
|-------------|------|
| Mobile Home | \$30 |
|-------------|------|
- 4.4 Each application for a wood burning heating system or an oil burner permit shall be accompanied by the following fees:
- | | |
|---------------------------|------|
| Wood burning system | |
| Residential | \$25 |
| Commercial | \$50 |
| Industrial | \$75 |
| Oil Burner Heating System | |
| Residential | \$30 |
| Commercial | \$50 |
| Industrial | \$75 |

ARTICLE 5: ISSUANCE OF PERMITS

A permit shall become invalid unless operations are commenced within six months for the date of issuance. The owner (or his representative) of any building or structure for which a building permit is granted shall, upon completion of the work authorized, notify the Building Inspector. The Inspector shall inspect the building or structure within a reasonable time. If said work has been completed in accordance with all applicable statutes, ordinances, rules, and regulations, including any grading or features necessary for health and safety of occupancy, the Inspector shall issue a notice to the owner specifying that the building may be occupied for the purpose stated in the permit.

ARTICLE 6: CODES ADOPTED BY REFERENCE

- 6.1 The Town of Ashland hereby adopts the 2000 International Building Code (amended by town meeting vote 3/12/01)
 - 6.1a The Town of Ashland hereby adopts the 2000 International Plumbing Code (amended by town meeting 3/12/01)
- 6.2 The Town of Ashland hereby adopts the Life Safety Code, 1997 Edition (amended by town meeting vote 3/14/00), as established by the National Fire Protection Association. The designated authority having jurisdiction is the Ashland Fire Chief.
- 6.3 The Town of Ashland hereby adopts the BOCA National Fire Prevention Code, 1997 Edition (amended by town meeting vote 3/14/00), as established by the Building Officials and Code Administrators International. The designated authority have jurisdiction is the Ashland Fire Chief. Permits will be issued by the Fire Chief or chief's designee.

ARTICLE 7: BUILDING REQUIREMENTS

- 7.1 No building or structure shall be erected, altered, rebuilt, remodeled, or substantially repaired, unless in compliance with the Codes adopted in Article 6, the Zoning Ordinance of the Town of Ashland, and the following building requirements.
- 7.2 Minimum Building Area: Every dwelling unit to be used by a single family shall have a minimum floor space of 750 square feet excluding garage, decks and porches.
- 7.3 Sewage Disposal: All dwellings and all commercial, industrial, or public buildings shall be connected to the public sewer system when available. When the public sewer system is not available, a suitable sewage disposal system, consisting of a septic tank and drainage field, shall be provided. The type, size and construction of all septic tanks and drainage field shall be approved by the Superintendent of the Sanitary Department and shall conform to New Hampshire Laws and Regulations. All private sewage disposal systems which discharge effluent into the ground shall be a least 125 feet from all year-round surface waters.
- 7.4 Completion of Buildings: All buildings, new or additions, shall be completed as to outside appearance within eighteen months from the date of issuance of permit. In case of hardship, as determined by the Board of

Selectmen, a six-month extension may be granted for completion of the building.

7.5 Flood Hazard Areas:

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Ashland Floodplain Development Ordinance. The regulations in this Ordinance shall overlay and supplement the regulations in the Town of Ashland Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Maps dated April 2, 1986, which are declared to be a part of this ordinance and are hereby incorporated by reference.

7.5.1 Definition of Terms

The following definitions shall apply to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Ashland.

- **Area of Special Flood Hazard** is the land in the floodplain within the Town of Ashland subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zone A on the FHBM and is designated on the FIRM as Zone A.
- **Base Flood** means the flood having a one-percent possibility of being equaled or exceeded in any given year.
- **Basement** means any area of a building having its floor subgrade on all sides.
- **Building** – see Structure
- **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.
- **FEMA** means the Federal Emergency Management Agency
- **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- **Flood Insurance Rate Map (FIRM)** means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Ashland.
- **Floodplain or Flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of Flooding).
- **Flood proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or

improved real property, water and sanitation facilities, structures and their contents

- **Floodway** - see Regulatory Floodway
- **Functionally dependent use** means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.
- **Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- **Historic Structure** means any structure that is:
 - A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
 - 1. By an approved State program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.
- **Lowest Floor** means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a buildings lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- **Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home includes park trailers or travel trailers, and other similar vehicles placed on site for greater than 180 days.
- **Mean sea level** means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- **100-Year Flood** – see base flood.
- **Recreational Vehicle** is defined as:

- a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection
 - c. designed to be self-propelled or permanently towable by a light duty truck; and
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- **Regulatory floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.
 - **Special flood hazard area** means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on the FHBM or FIRM as zone A, AO, A1-30, AE, A99, AH, V0, V1-30, VE, V, M, or E. (See- Area of Special Flood Hazard)
 - **Structure** means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
 - **Start of Construction** includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
 - **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
 - **Substantial Improvement** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal; (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term includes structures, which incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for

improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living condition or any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure.

- **Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

- 7.5.2 All proposed development in any special flood hazard areas shall require a permit.
- 7.5.3 The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed buildings sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:
- A. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - B. be constructed with materials resistant to flood damage;
 - C. be constructed by methods and practices that minimize flood damages; and
 - D. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 7.5.4 Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.
- 7.5.5 For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the Building Inspector:
- A. the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement;
 - B. If the structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the structure was flood proofed; and
 - C. Any certification of flood proofing.

The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

- 7.5.6 The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required

by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

7.5.7

- A. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Boards of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector and the Conservation Commission, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Board and notice of Conservation Commission meetings.
- B. The applicant shall submit to the Building Inspector and the Conservation Commission, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
- C. The Building Inspector shall obtain, review and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:
No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.

7.5.8

- A. In unnumbered A zones the Building Inspector shall obtain, review, and reasonable utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivision, site approvals)
- B. The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in Zone A that;
 - 1. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation.
 - 2. that all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:
 - a. be flood proofed so that below the 100-year flood elevation the structure is water tight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;

- C. All manufactured homes to be placed or substantially improved within special flood hazard area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100-year flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- D. All recreational vehicles placed on sites within Zones A1-30, AH, and AE shall either:
 - 1. be on site for fewer than 180 consecutive days;
 - 2. be fully licensed and ready for highway use; or
 - 3. meet all standards of section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for manufactured homes in Paragraph (c) (6) of Section 60.3.
- E. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to
- F. flooding are permitted provided they meet the following requirements;
 - 1. the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 - 2. the area is not a basement
 - 3. shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer, or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Opening may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

7.5.9 VARIANCES AND APPEALS

- A. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
 - 1. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

2. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 3. that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - C. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
 - D. The community shall (i) maintain a record of all variance actions, including their justifications for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.
- 7.6 Chimneys shall be constructed of stone, brick, or concrete to the ground footing. No chimney shall have its base resting upon any floor or beam of combustible material. No chimney shall be built, erected, or altered below the roof unless containing a tile, cinder block, or brick lining, equipped with an iron cleanout door at or near its base, and extending at least three feet above the roof. No chimney shall be built, erected, or altered below the roof having wood or other combustible materials within one inch of the chimney.
- 7.7 Thimbles: No wallpaper or other combustible material shall be laid over any thimble or any thimble hole in the chimney
- 7.8 No smoke pipe shall be installed or erected as to be within twelve inches of any combustible floor or ceiling unless amply protected with non-combustible materials. No smoke pipe shall be installed or erected which passes into or through partitions or walls of combustible material, except when guarded by a double collar of metal with air space of at least five inches of brick or other non-combustible material between the pipe and the combustible material.
- 7.9 Foundations: All structures shall be set on solid wall-type foundations of concrete, brick, stone, or other acceptable masonry, except that in special cases where buildings are to be used for accessory use or camps, the Building Inspector may waive the requirements of this section and permit the use of wood, metal or masonry piers.
- 7.10 All buildings and structures shall conform to all applicable laws, rules, and regulations for fire protection and safety, including but not limited to those governing smoke detectors, means of egress, sprinkler systems, and flammable and explosive materials.
- 7.11 In a residential building with more than one dwelling unit, lighting for the means of egress (halls and stairs) outside the dwelling units shall be wired in a separately metered, independent circuit.

ARTICLE 8: EXCEPTIONS

The construction of small necessary buildings of an estimated material cost of not more than \$800 not used for living purposes, together with minor alterations repairs, and general upkeep of existing buildings shall be exempt from the provisions of this Ordinance.

ARTICLE 9: APPEALS

Any person aggrieved by a decision of the Building Inspector may appeal to the Zoning Board of Adjustment, which shall serve as the Building Code of Appeals. The Board of Appeals may vary the application of any provision of the Building Code in any case when the enforcement of the Building Code would do manifest injustice and would be contrary to the spirit and purpose of the Building Code and the public interest.

ARTICLE 10: AMENDMENTS

This Ordinance may be amended by a majority vote of any legal town meeting when such amendment is published in the warrants calling for the meeting.

ARTICLE 11: ENFORCEMENT

Upon any well-founded information that this Ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other appropriate legal action. Whoever violates any of the above regulations shall be subject to the fines and penalties set forth in New Hampshire RSA 676:17 and shall be liable for all legal costs incurred by the Town in enforcing the regulations.

ARTICLE 12: TAKES EFFECT

This Ordinance shall take effect upon passage.

ARTICLE 13: CONFLICTING PROVISIONS

Wherever the regulations made under the authority hereof differ from those described by statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

ARTICLE 14: VALIDITY

If any section, clause, provision, portion, phrase of this Ordinance shall be held invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of this Ordinance.

ARTICLE 15: FEES

Fees for permits may be set by the Planning Board after a public hearing, and do not have to be voted on at the annual Town Meeting.

Adopted:	April 4, 1956		
Amended:	April 22, 1970	March 16, 1985	March 8, 1988
	March 2, 1976	March 11, 1986	March 13, 1990
	March 13, 1980	November 4, 1986	March 11, 1995
	March 13, 1984	March 10, 1987	March 10, 1998
	March 14, 2000	March 12, 2001	

Per Article 15 – Fees revised 2/7/01